

# Gutierrez's granddaughter testifies

□ 15-year-old, who attempted suicide last year, claims he sexually abused her 100 times

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It was a long way down for a teen-age girl to fall: from cheerleader, dancer, singer and honor society president to the psychiatric ward of a Portland hospital.

And in the trial of school board member Paul Gutierrez, there are opposite theories of how it happened.

Prosecutors allege that it was Gutierrez's abuse of the girl — his granddaughter — that drove her to attempt suicide in early 1993.

But Gutierrez's defense attorney claims it was a combination of family discord and puberty that drove the girl — now 15 — over the edge.

Wednesday was the first day of testimony in this, the second trial, for the Vancouver School Board member. The first trial last February resulted in a hung jury.

Gutierrez's granddaughter, the central witness in the child sexual abuse case, spent 2½ hours on the witness stand Wednesday describing what she said were as many as 100 different times her grandfather fondled her.

Gutierrez, a longtime Vancouver educator, is on trial this week facing seven counts of sexual abuse including first-degree child molestation and first-degree rape of a child.

The girl now lives in California with her natural father.

She told jurors that Gutierrez touched and penetrated her vagina with his fingers on almost a weekly basis for three years beginning when she was nine.

She said the fondling took place at night in her grandfather's bedroom as the girl and Gutierrez were watching television. She spent Tuesdays at her grandparents home until she was 12 because she took nighttime dance lessons nearby.

According to testimony from the girl and other family members, Gutierrez's wife, Pat either was apparently not home or asleep in a living room chair when those events took place.

As the girl testified, Gutierrez, dressed in a dark blue sweater and white shirt, sat expressionless at the defense table in Judge Robert Harris' courtroom. Occasionally, he would shake his head slightly.

The girl testified that the abuse continued after she was 12, but less often. She dropped out of dance classes, she said, because she did not want to stay at her grandparents' home.

"Why didn't you tell him to stop?" asked Deputy Prosecutor Kim Farr.

"I didn't know what to do," she said. "I was afraid he wouldn't like me anymore."

She told jurors the last incident occurred while she was a ninth grader. She said Gutierrez massaged her breasts while they were in the den at his home. He asked, "Is it OK if I touch you like this?" she testified.

The girl said she told fellow cheerleaders and a handful of friends about the abuse in the eighth and ninth grades. She was elected president of the Covington Junior High School Honor Society as a ninth-grader, but at the same time, she said, she became more depressed and withdrawn.

She told her mother of the abuse in November 1992 during an argument over the girl's increasingly hostile behavior.

But each time she told someone, she elicited a promise not to tell because, the girl testified, "I didn't want to ruin the family."

In January of 1993, the girl broke down during a health class video on sexual abuse and told a school counselor about the allegations.

The disclosure triggered a report to authorities.

"I was depressed about a lot of things," she said. "The abuse, pulling away from people. I thought no one liked me."

A few weeks later she took an overdose of aspirin in an unsuccessful suicide attempt.

Her stomach was pumped and she was sent to the psychiatric ward of a Portland hospital for five days then transferred to an in-patient treatment center in Gresham for a 54-day stay.

Though she had talked about moving to California before, she at first declined her natural father's invitation to live with him in a Los Angeles suburb.

She told jurors she "wanted to work things out at home."

But after she returned to school at Covington Junior High, "I decided I needed to move."

She said she is now happy and attending a high school with a strong performing arts program.

In a rapid-fire cross-examination, the girl admitted to defense attorney Steve Thayer she was unhappy at home with the strict rules of her stepfather, that she was moody and going through puberty, that she did not get enough allowance and she had a "bad attitude."

The defense is arguing that the girl's abuse allegations were a smokescreen to conceal her real motive: She was dissatisfied in her Vancouver home and wanted to live with her real father.

Gutierrez has flatly denied the girl's story. He is expected to take the stand in his own defense. And there is no physical evidence of abuse to the teen.

Nevertheless, her younger sister testified Tuesday that her grandfather often took the alleged victim into his bedroom to watch television on nights when the two girls stayed at the Gutierrez residence.

The trial is expected to last through Monday. If convicted of all counts, Gutierrez, 68, would be facing a prison sentence of at least 17½ years.